IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

SATURDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.4192 OF 2004

Between:

T.Venkata Ramana

.... PETITIONER

AND

The A.P. State Civil Supplies Corporation,
Bhoktapur, Adilabad, Adilabad District,
Rep. by its District Manager and another.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.4192 OF 2004

O R D E R

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The petitioner was appointed as Stage-II transport contractor for transport of essential commodities upto 23.09.2001. He was paid the bills upto August, 2001, but in respect of the bill payable for the month of September, 2001, he was paid only 50% of transport charges and the remaining amount of Rs.18,503/- from out of Rs.37,006/- was forfeited to the first respondent Corporation on the ground that he caused inconvenience in arranging transport of essential commodities to the first respondent. Questioning the said forfeiture, petitioner filed this writ petition.

2. Though the writ petition is filed in the year 2004, the respondents have not filed any counter-affidavit till today. Heard learned counsel for the petitioner. There is no representation on behalf of the respondents.

3. The contention of the counsel for the petitioner is that the allegation that petitioner caused inconvenience to the respondents in arranging transport of essential commodities is not correct and in fact, no notice was issued to the petitioner at any time before forfeiture of the amount from the bill payable to the petitioner for the period September, 2007 to show cause why the amount should not be

forfeited, and had the respondents given any notice, the petitioner would have offered his explanation, and so, the order impugned is liable to be set aside.

4. The impugned proceedings do not disclose any show cause notice being given to the petitioner and does not also specify the details of the inconvenience allegedly caused by the petitioner to the Corporation.

5. In these circumstances, the order forfeiting 50% of the amount from the money due and payable to the petitioner is improper and arbitrary, and hence, is liable to be quashed.

6. Therefore, the writ petition is allowed with costs and the proceedings impugned, forfeiting 50% of transport charges payable to the petitioner are quashed and respondents are directed to pay Rs.18,503/- to the petitioner with interest at 6% per annum from the due date upto the date of payment within one month from the date of receipt of a copy of this order.

JUSTICE C.Y.SOMAYAJULU

6th OCTOBER, 2007

PGS

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

W.P.NO.4192 OF 2004

6th OCTOBER, 2007